

Message Text

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ACTION OES-04

INFO OCT-01 IO-10 ISO-00 NRC-05 SSO-00 NSCE-00 USIE-00

INRE-00 SS-15 NSC-05 L-03 PA-01 PRS-01 CIAE-00 INR-07

NSAE-00 ACDA-05 EB-07 FEAE-00 AF-06 ARA-06 EA-06

EUR-12 NEA-10 /104 W

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O 091645Z JUN 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 5962

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EO 11652: NA

TAGS: IAEA TECH PARM SZ

SUBJ: BOARD OF GOVERNORS-SWISS/IAEA SAFEGUARDS AGREEMENT

PASS ALSO NRC

1. TEXT OF SWISS/IAEA UNILATERAL SUBMISSION SAFEGUARDS
AGREEMENT (ISSUED AS GOV/1751) TRANSMITTED SEPTTEL.

2. MISSION HAS EXAMINED TEXT AND, SUBJECT TO MINOR
CORRECTIONS (CORRIGENDUM EXPECTED TO BE ISSUED SHORTLY),
BELIEVES IT MERITS US SUPPORT.

3. AGREEMENT IS INTENDED TO APPLY TO ALL NUCLEAR MATERIAL,
NUCLEAR FACILITIES, AND CERTAIN EQUIPMENT AND MATERIAL
SUPPLIED TO SWITZERLAND FROM THOSE NON-US SUPPLIERS WHICH
IMPOSE REQUIREMENTS OF INFCIRC/209. (US/IAEA/SWISS
TRILATERAL SAFEGUARDS AGREEMENT WOULD REMAIN IN EFFECT.)

4. UNDERSTAND FOLLOWING MINOR CORRECTIONS ARE TO BE
MADE TO TEXT:

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A. IN SECTION 6(C), INSERT "SUPPLIED" BEFORE

"NUCLEAR MATERIALS".

B. IN LINE TWO OF SECTIONS EIGHT AND NINE, INSERT
"OF THE INVENTORY" AFTER "MAIN PART".

C. IN LINE TWO OF SECTION 11, MAKE "CONDITION"
PLURAL.

5. MISSION QUERIED AGENCY ABOUT FACT THAT DEFINITION
IN SECTION 1(H) EXCLUDES SOURCE MATERIAL, WHICH APPEARS
TO BE INCONSISTENT WITH PARA 3 OF MEMORANDUM B OF INFCIRC/209,
AND AS RESULT AGENCY'S EXPLANATION, WE ARE SATISFIED
THROUGH OPERATION OF SECTION 5 (A) (IV) THAT, IN PRACTICE,
PROVISIONS OF INFCIRC/209 WOULD BE MET.

6. WE ALSO QUERIED AGENCY RE OMISSION OF REFERENCE
TO PARA 10 OF INSPECTORS DOCUMENT IN SECTION 16, AND AGAIN,
WE ARE SATISFIED WITH AGENCY'S EXPLANATION THAT SAME
PROVISIONS ARE SPECIFIED IN PARA 49 OF SAFEGUARDS DOCUMENT
WHICH, INTER ALIA, ARE INCORPORATED BY REFERENCE IN
SECTION 14.

7. BECAUSE OF SWISS CONSTITUTIONAL PROBLEM, AGREEMENT
COULD NOT RPT NOT HAVE DURATION OF MORE THAN 15 YEARS
WITHOUT FAVORABLE REFERENDUM. AFTER SOME DELIBERATION
AND CONSIDERATION OF VARIOUS FORMULATIONS DESIGNED TO
COMPLY WITH TERMINATION AND DURATION PRINCIPLES SET FORTH
IN GOV/1621, SWISS FINALLY SETTLED ON PRESENT VERSION
IN SECTION 24, WHICH WE BELIEVE IS SATISFACTORY SINCE
CONSEQUENCES OF TERMINATION ARE FULLY CONSISTENT WITH
GOV/1621.

8. PNE EXCLUSION IS SPECIFICALLY COVERED IN UNDERTAKINGS
IN SECTIONS 2 AND 3 AS FOLLOWS:"...SHALL NOT BE USED
FOR THE MANUFACTURE OF NUCLEAR WEAPONS OR TO FURTHER
ANY OTHER MILITARY PURPOSE OR FOR THE MANUFACTURE OF
ANY OTHER NUCLEAR EXPLOSIVE DEVICE". WE HAVE SOME CONCERN
THAT LATTER PHRASE APPEARS TO UNDERMINE PRINCIPLE THAT
"ANY MILITARY PURPOSE" ALSO INCLUDES DEVELOPMENT OR
MANUFACTURE OF ANY NUCLEAR EXPLOSIVE DEVICE, BUT BECAUSE
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LANGUAGE WAS ORIGINALLY DESIGNED TO MEET CONCERNS OF
FRENCH IN NEGOTIATING FRENCH/IAEA/ROK TRILATERAL (NOT
RPT NOT COMING BEFORE JUNE BG), WE ARE RELUCTANT TO
RISK OPENING UP MATTER FOR EXTENSIVE DISCUSSION IN
BG. FRENCH HAD APPARENTLY EXPRESSED CONCERN THAT WORD-
ING ORIGINALLY PROPOSED BY AGENCY, I.E., "...ANY
MILITARY PURPOSE, AND IN PARTICULAR THE MANUFACTURE OF
ANY NUCLEAR EXPLOSIVE DEVICES...." ETC. COULD STILL BE

INTERPRETED TO MEAN THAT HIS DOES NOT RPT NOT NECESSARILY PRECLUDE MANUFACTURE OF NUCLEAR EXPLOSIVE DEVICE FOR PEACEFUL PURPOSE. THEY URGED AGENCY TO BE MORE EXPLICIT, WHICH LED TO PREVENT FORMULATION. THIS SAME FORMULATION WAS SUBSEQUENTLY INCORPORATED IN SWISS AGREEMENT AND IS, LIKELY TO BECOME STANDARD FOR ALL FUTURE NON-NPT TYPE SAFEGUARDS AGREEMENTS.

9. AGREEMENT PROBABLY WILL BE DELAYED UNTIL LATTER PART OF BG SESSION, I.E., WEDS. OR THURS., AND SOME DELS MAY EVEN URGE DELAY UNTIL NEXT WEEK (AS OCCURRED WITH JAPANESE NPT SAFEGUARDS AGREEMENT) IN VIEW SHORT TIME IN WHICH TO STUDY TEXT. ACCORDING TO SWISS AUTHORITIES, THEIR NUCLEAR POWER PROGRAM APPARENTLY WOULD SUFFER SUBSTANTIAL SETBACK IF AGREEMENT DOES NOT RPT NOT GET SUBMITTED TO SWISS PARLIAMENT BY SEPT. WHICH REQUIRES THAT REPORT BE APPROVED BY FEDERAL EXECUTIVE BY FIRST WEEK JULY. THUS, EVEN THOUGH TIME IS SHORT, THERE IS SUBSTANTIAL SYMPATHY FOR SWISS PROBLEM AND MOST DELS ATTEMPTING TO EXAMINE AGREEMENT ON URGENT BASIS WITH VIEW TO HAVING IT APPROVED ASAP.

10. WE UNDERSTAND, HOWEVER, THAT SOME DELS MAY CAUTION AGAINST CONSIDERING TEXT AS MODEL FOR ANY OTHER AGREEMENTS. SOME DELS MAY ALSO STATE THAT APPROVAL OF AGREEMENT DOES NOT PREJUDICE THEIR GOVERNMENTS, WHEN SUPPLYING TO SWITZERLAND, TO REQUIRE TRILATERAL AGREEMENT OR ADDITIONAL CONDITIONS.

11. MISSION RECOMMENDS THAT U.S. DEL BE AUTHORIZED TO SUPPORT AGREEMENT IN BG, SUBJECT TO CORRECTIONS PER PARA 4 ABOVE. ADVISE SOONEST. TAPE

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